



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*86 Chambers Street  
New York, New York 10007*

September 4, 2020

Honorable Ona T. Wang  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

**Re: *Kobre & Kim v. Commodity Futures Trading Commission,*  
19 Civ. 10151 (LAK) (OTW)**

Dear Judge Wang:

This Office represents the Commodity Futures Trading Commission (“CFTC”), the defendant in this case brought by Plaintiff Kobre & Kim pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). We write on behalf of both parties to propose a briefing schedule for the parties’ cross motions for summary judgment.<sup>1</sup>

As indicated in our last status update to the Court, dated July 31, 2020 (Dkt. No. 31), the CFTC has completed its productions in this matter according to the schedule set forth in the parties’ January 15, 2020, letter. The parties anticipate filing cross motions for summary judgment with respect to the adequacy of the CFTC’s search and its withholdings. The CFTC is in the process of preparing a Vaughn index and anticipates that it will be ready to be filed, along with the CFTC’s motion for summary judgment, by October 19, 2020. Accordingly, the parties propose the following briefing schedule for their cross motions for summary judgment:

- By October 19, 2020, the CFTC will file its motion for summary judgment;
- By November 18, 2020, Plaintiff will file its cross-motion for summary judgment and opposition to the CFTC’s motion;
- By December 7, 2020, the CFTC will file its opposition to Plaintiff’s motion for summary judgment and reply in support of its motion for summary judgment;
- By December 21, 2020, Plaintiff will file its reply in support of its motion for summary judgment.

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<sup>1</sup> We understand that Judge Kaplan has referred the case to you for purposes of preparing a Report and Recommendation with respect to any dispositive motions (Dkt. No. 6) so are directing this request to you.

If the Court is satisfied with this proposed schedule, we respectfully request that it be “So Ordered.” We thank the Court for its consideration of this request.

Respectfully submitted,

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Acting United States Attorney  
for the Southern District of New York

By: /s/ Rachael L. Doud.

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